PATENT
Attorney's Docket No. ED6/14/99US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	
URE	Group Art Unit: 2642
Application No.: 09/332,545	Examiner: Al Aubaidi, R.
Filed: 06/14/1999	**Appeal No.**_____
For: CALL SETUP USING A PACKET-SWITCHED ADDRESS SUCH AS AN INTERNET ADDRESS OR THE LIKE	

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BRIEF FOR APPELLANT

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This appeal is from the decision of the Primary Examiner dated July 15, 2003,

finally rejecting claims 1-17, which are reproduced as an Appendix to this brief.

A check is enclosed for the fee of $165 (Small Entity).

(1) Real Party in Interest

The real party in interest is the applicant, Michael J. Ure

(2) Related Appeals or Interferences

Applicant is not aware of any related appeals or interferences.

(3) Status of Claims

Claims 1-17 remain pending in the present application. All claims have been finally rejected and all claims are on appeal.

(4) Status of Amendments

All amendments have been entered. No amendment after final has been submitted.

(5) Summary of the Invention

The present invention relates to a technique for establishing a telephone call in which a prefatory network connection (such as an email or internet connection) uses a network identifier (such as an email or webpage address) to retrieve a telephone number. Following the prefactory connection, the telephone number may be automatically dialed. Various aspects of the invention are set forth in respective independent claims 1, 6, 9, 13 and 14. In accordance with claim 1, a user enters into the electronic device a network address of a party whose phone number information is to be retrieved; the electronic device sends a request to a server in accordance with the network protocol, the request containing a predictable variant of said

address; and the server sends the desired phone number to the electronic device. In accordance

with claims 6, a character string entered by a user is input and a determination is made whether

or not it is a telephone number. If not, a preliminary telecommunications connection is estab-

lished using the character string, in the course of which a telephone number is received, which

telephone number is then used to establish a desired telecommunications connection. Claim 9

and 13 claim devices for performing methods similar to those of claim 6 and claim 1, respec-

tively. In accordance with claim 14, a communication is transparently prefaced with a network

communications exchange, established based on an electronic address of the party with which

communication is to be established, to obtain information for communicating with that party;

and the electronic device is connected to communicate with said party using the information

obtained.

An important feature of the claims is therefore how a telephone number is discov-

ered and how that telephone number is then used. The invention in effect provides for an email

address or the like to be used instead of a telephone number. That is, the telephone number is

discovered using an email or similar address and is used to automatically establish the desired

connection. This manner of operation is quite different than establishing a call in conventional

fashion using a standard telephone number discovered using any of various conventional direc-

tories.

(6) The References

The rejection is based solely on Wood, U.S. Patent 6,091,808.

Wood describes a system in which a web facility and a telephone switch intercom-

municate, allowing for control of a deskset telephone through a web browser. As described in

connection with Figure 3 of Wood, beginning at column 6, line 42:

> The above functions of the buttons 71 to 74 do no involve com-
> munications via the call control interface 46. In contrast, the but-
> tons 75 to 77 invoke communications functions which typically
> involve communications with the telephone switch 16 via the
> call control interface 46.

As further described these functions include a DIAL function in which the tele-

phone switch 16 is triggered to "set up a connection between the subscriber's telephone 10 and

a *telephone directory* ***number*** in the window 68. [I]t can be appreciated that, in the manner

described above, the subscriber is able to instigate a telephone call to a desired number through

his access to the web page, and not by dialing at the telephone 10." (Col. 6, line 47 to col. 7,

line 13.)

Other functions, including call transfer (TRANS), conferencing (CONF), redial

(REDIAL) and email messaging (E-MAIL) are described, as well as various call log functions

and directory.

(7) The Rejection

In the Final Rejection of July 15, 2003, claims 1-17 were rejected as being antici-

pated by (claims 1-6, 9, 11-15 and 17) or obvious over (claims 7, 8, 10 and 16). The rejection

states in part:

> Regarding claim 1, Wood teaches a method of retrieving desired phone
> number information using a network protocol (see col. 6, lines 18-24), com-
> prising the steps of: a user entering into the electronic device a network
> address of a party whose phone number information is to be retrieved (see
> col. 6, lines 22-24); the electronic device sending a request to a server in
> accordance the network protocol, the request containing a predictable vari-
> ant of said address; and the server sending the desired phone number to the
> electronic device (see abstract).

(8) Issues

The issues presented are whether claims 1-6, 9, 11-15 and 17 are anticipated by Wood, and whether claims 7, 8, 10 and 16 are unpatentable over the same.

(9) Argument

Nowhere does Wood teach or suggest discovering a telephone number using an email address or the like, nor does Wood teach automatically using the telephone number so discovered to establish a desired connection. Wood simply teaches that if a telephone number is known and stored on the user's computer, or if a telephone number can be obtained using any of various conventional directories, a call can be placed from the computer and established between the user's telephone deskset and the desired party. Among the features of each independent claim not taught or suggested by Wood are the following:

Claim	Feature(s) not taught
1	retrieving desired phone number information using network address of party whose phone number information is to be retrieved
6	establishing a preliminary telecommunications connection using a user-entered character string that is not a telephone number to thereby receive a telephone number
9	establishing a preliminary telecommunications connection using a user-entered character string that is not a telephone number to thereby receive a telephone number
13	retrieving desired phone number information using network address of party whose phone number information is to be retrieved
14	transparently prefacing a communication with a network communications exchange, established based on an electronic address of a desired party, to obtain information for communicating with that party

Note in particular that in claim 14, the transparent, prefactory network communications exchange is *established based on* an electronic address of the party with which communication is to be established. This is different than Woods, in which network communications are *based on a fixed web address* but may *include* a known or previously discovered telephone number of a desired party.

(10) CONCLUSION

For the foregoing reasons, claims 1-17 are neither anticipated nor obvious in view of Wood.

Applicant respectfully submits therefore that the Final Rejection should be REVERSED.

Respectfully submitted,

_____
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Date: January 13, 2004

APPENDIX OF CLAIMS

1.   A method of retrieving desired phone number information using a network protocol, comprising the steps of:

a user entering into the electronic device a network address of a party whose phone number information is to be retrieved;

the electronic device sending a request to a server in accordance with the network protocol, the request containing a predictable variant of said address; and

the server sending the desired phone number to the electronic device.

2.   The method of claim 1, wherein the desired phone number information is a single phone number, comprising the further step of the electronic device automatically dialing the desired phone number.

3.   The method of claim 1, wherein the desired phone number information is a hypertext phone directory page, comprising the further step of the electronic device displaying the hypertext phone directory page.

4.   The method of claim 3, comprising the further steps of:

the user selecting a link within the hypertext phone directory page; and

the electronic device cooperating with the server to retrieve and display a further hypertext phone directory page.

5.   The method of claim 3, comprising the further steps of:

the user selecting a single phone number within the hypertext phone directory page; and

the electronic device automatically dialing the selected phone number.

6.   A method of establishing a desired telecommunications connection, comprising the steps of:

inputting a character string entered by a user;

determining whether or not the character string is a telephone number;

if the string is a telephone number, establishing the desired telecommunications connection directly using the telephone number;

if the character string is not a telephone number, establishing a preliminary telecommunications connection using the character string;

receiving a telephone number during the course of the preliminary telecommunications connection; and

using the telephone number to establish the desired telecommunications connection.

7.   The method of claim 6, wherein the character string is an email address and the preliminary telecommunications connection is established with an email server in accordance with an email protocol such as Simple Mail Transfer Protocol.

8.   The method of claim 6, wherein the string is a resource locator and the preliminary telecommunications connection is established with a hyper-media server in accordance with a hyper-media protocol such as Hyper-Text Transfer Protocol.

9.   An electronic system, comprising:

a data processing core, including memory;

coupled to the data processing core:

        a modem;

        a circuit-switch telecommunications transceiver;

        a packet-switched telecommunications transceiver; and

        I/O circuitry;

the combination further comprising stored program instructions within memory for:

                inputting a character string entered by a user;

                determining whether or not the character string is a telephone number;

                if the string is a telephone number, establishing the desired telecommu-

nications connection directly using the telephone number;

if the character string is not a telephone number, establishing a preliminary telecommunications connection using the character string;

receiving a telephone number during the course of the preliminary telecommunications connection; and

displaying the telephone number of using the telephone number to establish the desired telecommunications connection.

10. The apparatus of claim 9, wherein the electronic system is a smart cellular telephone.

11. The apparatus of claim 9, wherein the electronic system is a personal computer coupled to the switched telephone network.

12. The apparatus of claim 9, wherein the electronic system is a smart deskset telephone coupled to the public switched telephone network.

13. An electronic system for use in establishing a desired telecommunications connection, comprising:

a data processing core, including memory;

coupled to the data processing core:

a packet-switched telecommunications transceiver; and

I/O circuitry;

the combination further comprising stored program instructions within memory for:

receiving an address of a desired party entered by a user into the electronic device;

sending a request to a server in accordance with an Internet protocol, the request containing a predictable variant of said address; and

receiving from the server a communications string of the desired party.

14.   A method of establishing communication with a party using an electronic device, comprising:

transparently prefacing the communication with a network communications exchange, established based on an electronic address of the party with which communication is to be established, to obtain information for communicating with said party; and

the electronic device being connected to communicate with said party using said information.

15.   The method of claim 14, wherein the information is a telephone number.

16.   The method of claim 14, wherein the information is a cryptographic key.

17.   The method of claim 14, comprising a user inputting to the electronic device the electronic address of the party with which communication is to be established.